

## **REMARKS**

Claims 17-26, 37 and 38 are all the claims pending in the application.

### **I. Claim Rejections under 35 U.S.C. § 103**

A. Claims 17, 19, 20, 22, 24 and 25 have been rejected under 35 U.S.C. 103(a) as being obvious over Marchant (US 6,631,492) in view of Nakamura et al. (US 5,684,810) and Kobayashi et al. (US 6,029,264). Applicants kindly request that the Examiner reconsider this rejection in view of the comments below.

Claim 17 recites that the erasure position information is obtained from a position polynomial that is calculated at a time of performing Reed-Solomon decoding on the Reed-Solomon-coded data. Applicants respectfully submit that the combination of Marchant, Nakamura, and Kobayashi does not teach or suggest at least this feature of claim 17.

Regarding the above-noted feature recited in claim 17, Applicants note that in the Office Action, the Examiner has recognized that Marchant and Kobayashi do not teach or suggest such a feature. The Examiner, however, has applied Nakamura, and has taken the position that it would have been obvious to modify Marchant, based on the disclosure in Nakamura, so as to provide such a feature. Applicants respectfully disagree with the Examiner's position.

With respect to Nakamura, Applicants note that in the Office Action at page 6, the Examiner has indicated that Nakamura teaches that "the erasure position/location information stored in Block 8 is obtained from a error/position polynomial" (emphasis added).

Based on the above-noted disclosure in Nakamura, the Examiner has taken the position that it therefore "would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marchant with the teachings of Nakamura by including use of

erasure position information being obtained from a position polynomial” (see Office Action at page 6, last paragraph). Applicants respectfully disagree with the Examiner’s proposed combination of Marchant and Nakamura for the following reasons.

In particular, Applicants note that while Marchant discloses the use of erasure flags, that Marchant does not disclose the use of error position information. In this regard, Applicants note that an “erasure flag” is information that indicates whether an error is present at a certain position, whereas “error position information” is information that indicates the position of an error in the code by itself.

Thus, because Marchant only discloses the use of erasure flags, Applicants respectfully submit that even if Nakamura (which the Examiner has relied on for the teaching of erasure position/location information that is obtained from an error/position polynomial) was combined with Marchant, that the erasure flags of Marchant could not be transformed so as to be obtained from a position polynomial.

As such, Applicants respectfully submit that the combination of cited prior art references does not teach, suggest or otherwise render obvious the above-noted feature recited in claim 17 which indicates that that the erasure position information is obtained from a position polynomial that is calculated at a time of performing Reed-Solomon decoding on the Reed-Solomon-coded data.

In view of the foregoing, Applicants respectfully submit that claim 17 is patentable over the combination of Marchant, Nakamura, and Kobayashi, an indication of which is kindly requested.

Regarding claims 19, 22 and 24, Applicants note that each of these claims recites that the

erasure position information is obtained from a position polynomial that is calculated at a time of performing Reed-Solomon decoding on the Reed-Solomon-coded data.

For at least similar reasons as discussed above with respect to claim 17, Applicants respectfully submit that Marchant, Nakamura, and Kobayashi do not teach, suggest or otherwise render obvious the above-noted feature recited in claims 19, 22 and 24. Accordingly, Applicants respectfully submit that claims 19, 22 and 24 are patentable over the cited prior art, an indication of which is kindly requested.

Regarding claims 20 and 25, Applicants note that claim 20 depends from claim 19 and that claim 25 depends from claim 24. Accordingly, Applicants submit that claims 20 and 25 are patentable at least by virtue of their dependency.

B. Claims 18, 23, 37 and 38 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Marchant (US 6,631,492) in view of Nakamura et al. (US 5,684,810) and Kobayashi et al. (US 6,029,264), and further in view of Shutoku et al. (US 7,089,401).

Regarding claims 18, 23, 37 and 38, Applicants note that each of these claims recites that the erasure position information is obtained from a position polynomial that is calculated at a time of performing Reed-Solomon decoding on the Reed-Solomon-coded data.

For at least similar reasons as discussed above with respect to claim 17, Applicants respectfully submit that Marchant, Nakamura, and Kobayashi do not teach, suggest or otherwise render obvious such a feature. Further, Applicants respectfully submit that Shutoku does not cure the above-noted deficiencies of Marchant, Nakamura, and Kobayashi.

Accordingly, Applicants respectfully submit that claims 18, 23, 37 and 38 are patentable over the cited prior art, an indication of which is kindly requested.

C. Claims 21 and 26 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Marchant (US 6,631,492) in view of Nakamura et al. (US 5,684,810) and Kobayashi et al. (US 6,029,264), and further in view of Eachus (US 3,685,016).

Claim 21 depends from claim 19, and claim 26 depends from claim 24. Applicants respectfully submit that Eachus does not cure the above-noted deficiencies of Marchant, Nakamura, and Kobayashi, with respect to claims 19 and 24. Accordingly, Applicants submit that claims 21 and 26 are patentable at least by virtue of their dependency.

## **II. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Syuji MATSUDA et al.

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